

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

THE THOMAS L. PEARSON AND
THE PEARSON FAMILY MEMBERS FOUNDATION,

Plaintiff and Counterclaim
Defendant,

v.

THE UNIVERSITY OF CHICAGO,

Defendant and Counterclaimant.

AND

THE UNIVERSITY OF CHICAGO,

Counterclaimant and Defendant,

v.

THE THOMAS L. PEARSON AND
THE PEARSON FAMILY MEMBERS FOUNDATION,

Counterclaim Defendant and
Plaintiff,

THOMAS L. PEARSON,

Counterclaim Defendant.

No. 18-cv-99-GKF-FHM

**THE UNIVERSITY OF CHICAGO'S UNOPPOSED MOTION FOR
LEAVE TO AMEND FIRST AMENDED COUNTERCLAIM**

The University of Chicago moves pursuant to Federal Rule of Civil Procedure 15(a)(2) for leave to file its Second Amended Counterclaim.

1. The University filed its Counterclaim on April 5, 2018. Dkt. No. 29.

2. Counterclaim Defendants The Thomas L. Pearson and The Pearson Family Members Foundation and Thomas L. Pearson filed their Motion to Dismiss the University's Counterclaim on May 7, 2018. Dkt. No. 36.

3. On June 27, 2018, the Court denied the Counterclaim Defendants' motion to dismiss. Dkt. No. 45.

4. On March 7, 2019, the Court granted the University leave to file its First Amended Counterclaim, which added a second breach of contract claim against the Foundation and Mr. Pearson. Dkt. No. 68.

5. The University now seeks leave to amend its First Amended Counterclaim to add a third breach of contract claim against the Foundation and Mr. Pearson. The new counterclaim alleges that the Foundation and Mr. Pearson breached the Grant Agreement by failing to make a payment due on June 30, 2019.

6. Although the pleading amendment deadline was September 21, 2018, *see* Dkt. No. 47, the University could not amend its counterclaim to add this new claim by that date because the Foundation and Mr. Pearson had not yet defaulted on their payment obligation.

7. On February 27, 2019, the Court granted a ten-month extension of the case schedule. Dkt. No. 65. Depositions have not yet been scheduled, and discovery is currently scheduled to close on December 16, 2019.

8. The Foundation and Mr. Pearson consent to the University's second amendment.

9. This Motion is not made for purposes of delay and will not interfere with the scheduling of this case.

Wherefore, the University respectfully requests that the Court grant the University leave to file its Second Amended Counterclaim.

Dated: August 26, 2019

Respectfully submitted,

/s/ Jeffrey A. Hall

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of August, 2019, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following registrants:

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/s/ Jeffrey A. Hall

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